

CIVIL SERVICE COMMISSION MINUTES

SEPTEMBER 1, 2004

A meeting of the Civil Service Commission was held at 3:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Marc Sandstrom
A.Y. Casillas
Barry I. Newman
Francesca Krauel

Absent was:

Gordon Austin

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission**

September 29, 2004

COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
SEPTEMBER 1, 2004

CLOSED SESSION: No items for discussion

3:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
4, 5, 8, 9,10, 11			

COMMENTS: Motion by Casillas to approve all items not held for discussion; seconded by Krauel. Carried.

OPEN SESSION AGENDA
County Administration Center, Room 358

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

MINUTES

1. Approval of the Minutes of the regular meeting of August 18, 2004.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Casillas: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Myrene De La Toba**, former Account Clerk Specialist, appealing an Order of Removal and Charges from the Health and Human Services Agency.

Confirmed.

3. Commissioner Krauel: Richard Pinckard, Esq. On behalf of **2004-09***, Deputy Sheriff-Detentions/Court Services, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

Confirmed.

DISCIPLINES

Findings

4. Commissioner Newman: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Wynnelee Patrick**, Detention Information Assistant, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of Wynnelee Patrick from a written Order of Pay Step Reduction and Charges in the class and position of Detention Information Assistant (Class No. 3001) in the Sheriff's Department was presented to the Civil Service Commission. The Commission appointed Barry I. Newman to hear the appeal and submit findings and recommendations to the Commission. Prior to the commencement of the hearing the parties entered into a Stipulation. Ms. Patrick has submitted a letter withdrawing her appeal before the Civil Service Commission.

The undersigned hearing officer has reviewed the stipulated agreement and the letter of withdrawal and has determined that the County government would be best served if the Commission acknowledges the agreement. It is therefore recommended that the Civil Service Commission acknowledge the stipulated agreement and the personnel actions contained therein; that the Civil Service Commission accept the withdrawal of Wynnelee Patrick's appeal of the Order of Pay Step Reduction and Charges (equivalent to three [3] working days dated May 11, 2004); that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Newman to approve findings and recommendations; seconded by Casillas. Carried.

5. Commissioner Austin: Fern Steiner, Esq., on behalf of **Renda Washington**, former Detention Information Assistant, appealing an Order to Terminate and Charges from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of Renda Washington, from a written Order to Terminate and Charges terminating her from her class and position of Detention Information Assistant (Class No. 3001) in the Sheriff's Department was presented to the Civil Service Commission. The Commission appointed Gordon Austin, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on August

23, 2004. Employee appealed an Order to Terminate and Charges from the Sheriff's Department. She was a Detention Information Assistant assigned to the San Diego Central Jail. The discipline resulted from a series of communications between her and representatives of Aladdin Bail Bonds in which it is alleged that Employee was discourteous and inaccurate. The Order to Terminate evolved from a Notice of Intent to impose a three-day pay step reduction. Employee availed herself of her right to a Skelly conference. The Skelly Officer determined that she was untruthful and recommended an increase in discipline to a ten-day suspension. The Department Commander who reviewed the Skelly Officer's recommendation decided that termination was more appropriate. An Order to Terminate and Charges was issued and Employee appealed under Civil Service Rule VII. At the Commission hearing, after the testimony of the Department's first witness, the Department and Employee representatives requested a break in the hearing to discuss a possible mutually agreeable resolution of the appeal. After the break, these representatives announced that they had agreed to a five-work day suspension and a revised Order of Suspension. It was further agreed that the original order of discipline was effective on May 25, 2004; that Employee agreed to a waiver of back pay from June 21, 2004 to August 23, 2004; and that she be awarded back pay and interest from May 25, 2004 to June 21, 2004, less five-work days of pay and less any sums received from other employment during that time period.

It is therefore recommended that the Commission approve the revised discipline from an Order to Terminate and Charges to an Order of Suspension and Charges (5-work days); that Employee be awarded back pay and interest from May 25, 2004 to June 21, 2004, less five-work days pay and less any sums received from other employment during that time period; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Newman to approve Findings and Recommendations;
seconded by Krauel. Carried.**

LIBERTY INTEREST

Complaints

6. **Melissa Morrison**, requesting a Liberty Interest hearing regarding her failure of probation in the classification of Deputy Sheriff Cadet-Detentions/Court Services in the Sheriff's Department.

RECOMMENDATION: Grant Request.

Staff recommendation approved. Commissioner Austin assigned.

OTHER MATTERS

Extension of Temporary Appointments

7. Department of Planning and Land Use

1 Fire Code Specialist II (Paul Dawson)

RECOMMENDATION: Ratify.

Item No. 7 ratified.

8. Appointment of Executive Officer.

Patricia Zamarly has been selected as the Executive Officer of the Civil Service Commission by a 3-2 vote of the Commission. Her employment with the County will commence on September 17, 2004.

President Sandstrom thanked Larry Cook, the current Executive Officer, for his dedication to the County of San Diego for the past 30 years.

9. Appoint subcommittee of Commissioners Krauel and Sandstrom to consider amendments of charges, withdrawals and settlements.

Commissioners Krauel and Sandstrom accepted.

10. Appoint subcommittee of Commissioners Casillas and Newman to consider the sealing of performance appraisals.

Commissioners Casillas and Newman accepted.

11. Public Input.

President Sandstrom announced that there has been no apology made to, nor received by Larry Cook, the Executive Officer, or the Commission staff, regarding Mr. Newman's unprofessional comment addressed at the August 18, 2004 Commission Meeting.

ADJOURNMENT: 3:30 p.m.

NEXT SPECIAL MEETING OF THE CIVIL SERVICE COMMISSION: SEPTEMBER 29, 2004

* The identity of the peace officer is held confidential per Penal Code Section 832.7 (San Diego Police Officers' Association, et al. v. City of San Diego Civil Service Commission).